

Donna Conkling

From: Robert Berg <robertbergesq@aol.com>
Sent: Monday, June 21, 2021 2:49 PM
To: Mayor
Cc: Trustee Ahuja; Trustee Arest; Trustee Brew; Trustee Crandall; Trustee Lewis; Trustee Whitestone; Manager's Department; Attorney's Office; Clerk's Department
Subject: Re: Village Board Meeting 6/22 with Special Telecommunications Counsel re Cellular Carrier Lease Agreements

CAUTION: External sender.

That's very good news. The firm is a good choice. Thanks.

Robert J. Berg, Esq.
17 Black Birch Lane
Scarsdale, New York 10583
(914) 522-9455
robertbergesq@aol.com

On Jun 21, 2021, at 1:14 PM, Mayor <mayor@scarsdale.com> wrote:

Hi Bob. Gerry Lederer from Best Best & Krieger is advising the Village. Thanks for your interest, Jane

From: Robert Berg <robertbergesq@aol.com>
Sent: Monday, June 21, 2021 1:06 PM
To: Mayor <mayor@scarsdale.com>
Cc: Trustee Ahuja <sahuja@scarsdale.com>; Trustee Arest <jarest@scarsdale.com>; Trustee Brew <kbrew@scarsdale.com>; Trustee Crandall <lcrandall@scarsdale.com>; Trustee Lewis <jlewis@scarsdale.com>; Trustee Whitestone <rwhitestone@scarsdale.com>; Manager's Department <manager@scarsdale.com>; Attorney's Office <attorney@scarsdale.com>; Clerk's Department <clerk@scarsdale.com>
Subject: Re: Village Board Meeting 6/22 with Special Telecommunications Counsel re Cellular Carrier Lease Agreements

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Jane, which law firm is acting as the Village's special telecom counsel and who is the lawyer at that firm who will be presenting to the Board tomorrow evening? Thanks. Best, Bob.

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On Jun 19, 2021, at 1:14 PM, Mayor <mayor@scarsdale.com> wrote:

In addition, as you know, we always welcome input from the community, and we benefit enormously from the expertise of our community members. We would gladly review your written report as we get educated on our options. Again, thank you so much for your interest, Jane

Jane Veron
Mayor
Village of Scarsdale
Mayor@scarsdale.com
Follow me @mayorjaneveron

On Jun 18, 2021, at 7:52 PM, Mayor <mayor@scarsdale.com> wrote:

Mr. Berg, thank you for your detailed note. I am sharing it with the entire board. Best, Jane

Jane Veron
Mayor
Village of Scarsdale
Mayor@scarsdale.com
Follow me @mayorjaneveron

On Jun 18, 2021, at 7:27 PM, Robert Berg
<robertbergesq@aol.com> wrote:

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Dear All:

I see on the agenda for 6/22 that you are having a closed board session with counsel on 6/22 to discuss, among other things, telecommunications law and cellular carrier lease agreements. As I have advised the Board a couple of times, due to my daughter's full time involvement for the past several years with Americans for Responsible Technology, a major public advocacy group for the safe deployment of cellular technology, I have become a leading attorney challenging cellular carrier

applications and installations around the country.

I don't know which firm and attorney will be advising you as special counsel. I do know that many of the firms representing municipalities either have close ties with the telecom companies or have bought into the false narrative that a municipality's hands are largely tied because of preemption by the federal Telecommunications Act of 1996.

While the Telecom Act preempts local and State governments from considering environmental concerns regarding siting of wireless facilities, I have been suing municipalities for failing to provide reasonable accommodations under the Americans with Disabilities Act and the Fair Housing Amendments Act, for persons with qualified disabilities who will or may be affected by the placement of wireless facilities in locations near where they live or work. The Telecom Act does not preempt those federal statutes.

I also caution you that no telecom can obtain liability insurance against damages or injuries arising from wireless radiation transmitted by their facilities. No insurer will provide wireless radiation coverage because the risks of loss are too high. Even Lloyd's of London excludes such coverage from ALL of its policies. So if a carrier says it will provide the Village with comprehensive liability insurance, it's lying. It's policy will expressly exclude wireless radiation claims.

From experience, I'm afraid the Board will not be provided with a full spectrum legal analysis of the powers the Village retains over wireless regulation, the dangers cell towers and small cell facilities present to our residents, and the risks of allowing or disallowing such facilities in our Village (or in certain areas). I would be pleased to educate the Board on these important issues pro bono. Best,
Bob Berg.

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